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Letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to transmit herewith decisions PSC/AHG/COMM.1(CCVII), PSC/AHG/COMM.2 (CCVII) and PSC/AHG/COMM.3(CCVII), which were adopted by the African Union Peace and Security Council at its 207th meeting, held in Abuja at the level of Heads of State and Government on 29 October 2009, on the report of the African Union High Level Panel on Darfur and on the situation in the Republic of Guinea and in the Republic of the Niger, respectively (see annexes I to III).

It will be appreciated if the texts of the documents referred to above could be circulated as a document of the Security Council.

(*Signed*) Tete **Antonio**
Ambassador
Acting Permanent Observer

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Annex I to the letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

[Original: English]

Communiqué of the 207th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja on 29 October 2009, at the level of Heads of State and Government, considered the report of the AU High Level Panel on Darfur (AUPD), and adopted the following decision:

The Council,

1. *Endorses* the report of the African Union High Level Panel on Darfur (AUPD) [PSC/AHG/2(CCVII)] and the recommendations contained therein;

2. *Congratulates* the Chairperson of the AUPD, former President Thabo Mbeki of South Africa, the other members of the Panel, namely General Abdulsalami Abubakar, former Head of State of the Federal Republic of Nigeria; Mr. Pierre Buyoya, former President of Burundi; Mr. Alhaji Kabir A. Mohammed (Nigeria), former State House Counsel and Special Envoy of former President Olusegun Obasanjo on the trial of suspects of war crimes and human rights violations in Darfur; Hon. Judge Florence Ndepele Mwachande Mumba (Zambia), Judge of the Supreme Court; Mr. Ahmed Maher El Sayed, former Foreign Minister of Egypt, and Rakiya Abdillahi Omaar (Somalia), Director, African Rights; and the team of experts that supported their work, for the breadth of the consultations they have undertaken, the comprehensiveness of their report, and the relevance of their recommendations;

3. *Expresses appreciation* for the cooperation extended to the Panel by the Sudanese Government, opposition political parties, armed opposition movements, internally displaced persons (IDPs), pastoralists and the Darfurian civil society, and other Sudanese parties, as well as international stakeholders;

4. *Recalls* its previous decisions and communiqués on the situation in Darfur, in particular decision PSC/MIN/Comm(CXLII) of 21 July 2009, in which, among others, it requested the Chairperson of the Commission to take all necessary steps for the establishment of an independent High-Level Panel made up of distinguished Africans of high integrity, to examine the situation in depth and to submit recommendations to the Council on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed;

5. *Reaffirms the commitment* of the AU to combat impunity, in line with the relevant provisions of the AU Constitutive Act, and strongly condemns the violations of human rights in Darfur. The Council urges, once again, the United Nations Security Council to heed the AU's call for the deferral of the process initiated by the International Criminal Court (ICC) against President Omar Hassan Al-Bashir, in the interest of peace, justice and reconciliation;

6. *Stresses* the need for speedy progress in the search for peace, security, justice and reconciliation in Darfur, bearing in mind that, while the situation on the ground has significantly improved compared to the height of the crisis in 2003-2004, civilians in that region continue to be exposed to the risk of violence and that millions of people continue to live in IDP camps or as refugees in neighbouring Chad. The Council also stresses the need to create inclusive and conducive conditions for the successful holding in Darfur, as well as in the rest of the country, of the April 2010 national elections provided for by the Comprehensive Peace Agreement (CPA), and to ensure that Darfur fully participates in the national debate arising from the 2011 self-determination referendum in Southern Sudan;

7. *Expresses its conviction* that the achievement of lasting peace and reconciliation in Darfur requires that the Sudanese stakeholders take full ownership of the process and that, given the necessary support, the people of Sudan will be able to bring to an end the conflict in Darfur in an inclusive, peaceful and expeditious manner, bearing in mind that Darfur is a manifestation of the broader political and other challenges facing Sudan as a whole. The Council stresses that the international community needs to play a supportive role, based in a proper understanding of the causes and consequences of the conflict in Darfur;

8. *Stresses* the importance of the general elections scheduled for April 2010 in the overall efforts towards the democratic transformation of the Sudan, and for addressing in a lasting manner the many challenges facing the country;

9. *Welcomes* the progress made in the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as the efforts being deployed to facilitate the search for a lasting solution. In this respect, the Council welcomes the steps taken for the early holding of negotiations in Doha under the auspices of the Joint Chief Mediator and the Government of Qatar, as an integral part of the approach to peace as articulated in the report of the AUPD;

10. *Stresses* that the recommendations contained in the report of the AUPD (paras. 280-377) provide a clear and sound road map for achieving peace, justice, reconciliation and healing in Darfur, and thereby contribute to the overall objective of promoting sustainable peace and stability in the Sudan, and decides that these recommendations shall be the basis of the AU engagement in Darfur and its interaction with its international partners;

11. In order to support the peace process and the implementation of the recommendations contained in the report of the AUPD, the Council:

(a) *Requests* the Commission, in consultation with the United Nations Secretariat, to support and exercise due oversight over the process of the mediation, to enhance the profile of the mediation and ensure that it is well-planned, well-resourced in all respects, and that the mediation is undertaken within a fixed time frame;

(b) *Requests* the Chairperson of the Commission to take immediately the necessary steps to enhance its capacity to support the implementation of the recommendations of the AUPD, including the establishment of an appropriate unit within the AU Peace and Security Department, the strengthening of the AU Liaison Office in Sudan and that of the Darfur-Darfur Dialogue and Consultation (DDDC), which has a key role to play in the implementation process, particularly with respect

to reconciliation and in engaging the civil society, disseminating the report and facilitating ownership;

(c) *Stresses* the need to pursue efforts to strengthen UNAMID, including the provision of the required force enablers and the strengthening of its civilian component, such as Civil Affairs, Human Rights and the Rule of Law and DDDC, to enable it effectively play its role in support of the peace process;

(d) *Requests* the Chairperson of the Commission to establish an AU High Level Implementation Panel (AUHIP), comprising of former Presidents Thabo Mbeki, Pierre Buyoya, and Gen. Abdulsalami Abubakar, to assist in the implementation of all aspects of the AUPD recommendations, as well as to assist the Sudanese parties in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes, as part of the democratic transformation of the Sudan. The AUHIP will have an initial mandate of one year. The Council requests all concerned, including the Joint Mediation and UNAMID, to extend full and unreserved cooperation to the AUHIP;

(e) *Also requests* the Chairperson of the Commission to undertake consultations with the United Nations Secretary-General and the Secretary-General of the League of Arab States, for the speedy establishment of a Consultative Forum, involving relevant stakeholders and Sudan's neighbouring countries, as well as AU partners, to receive regular reports on the implementation of the present decision and to serve as a coordinating mechanism to support and promote the achievement of the objectives stated in the decision;

12. *Requests* all AU Member States and partners to fully support the implementation of the recommendations of the AUPD and the implementation of the present decision;

13. *Requests* the Chairperson of the Commission to formally transmit the present decision to the Sudanese stakeholders, as well as to the United Nations Security Council and other AU partners, in order to enlist their support and, with the support of the AUHIP, to implement an appropriate outreach strategy, in order to mobilize the broadest support possible for the successful implementation of the recommendations of the AUPD and of the present decision;

14. *Also requests* the Chairperson of the Commission to submit quarterly reports on the implementation of the AUPD recommendations and of the present decision;

15. *Decides* to remain seized of the matter.

Annex II to the letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

[Original: English]

Communiqué of the 207th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja on 29 October 2009, at the level of Heads of State and Government, adopted the following decision on the situation in the Republic of Guinea:

The Council,

1. *Recalls* its previous decisions on the situation in Guinea, in particular paragraph 7 of the communiqué PSC/PR/Comm. (CCIV) adopted at its 204th meeting held on 17 September 2009;

2. *Strongly condemns*, once again, the killings and deliberate acts of violence against unarmed civilians and the rape of women by armed units under the authority of the National Council for Democracy and Development (CNDD) during the peaceful demonstration organized on 28 September 2009;

3. *Endorses* the decisions of the extraordinary summit of the Economic Community of West African States (ECOWAS), held in Abuja on 17 October 2009. In this regard, the Council expresses its full support for the establishment of an international commission of inquiry on the events of 28 September 2009. The Council reaffirms its full support to the mediation undertaken by President Blaise Compaoré of Burkina Faso on behalf of ECOWAS;

4. *Requests* the Commission, in accordance with paragraph 7 of the above-mentioned communiqué, and in close collaboration with ECOWAS and members of the International Contact Group on Guinea, to take all the necessary measures towards the implementation of targeted sanctions, including denial of visas, travel restrictions and freezing of assets, against the President and members of the CNDD, as well as members of the Government and any other civilian or military individual whose activities are aimed at maintaining the unconstitutional status quo in Guinea. In this regard, the Council requests the Commission to circulate, within a week, to AU Member States, for implementation, the list of the individuals to be targeted by the sanctions;

5. *Decides* that these measures and the list mentioned above will be communicated to the United Nations Security Council and all other AU partners, including the European Union, the Organization of the Islamic Conference, the International Organization of la Francophonie and the other members of the International Contact Group on Guinea, as well as to the League of Arab States, in order to give them a universal character;

6. *Decides* to remain seized of the matter.

Annex III to the letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

Communiqué of the 207th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja on 29 October 2009, at the level of Heads of State and Government, adopted the following decision on the situation in the Republic of the Niger:

The Council,

1. *Takes note* of the briefings by the Economic Community of West African States (ECOWAS) and the AU Commission on the latest developments in the situation in Niger;

2. *Endorses* the decisions on the situation in Niger adopted by the extraordinary summit of ECOWAS, held in Abuja on 17 October 2009, and commends the efforts deployed by ECOWAS towards finding a speedy and consensual solution to the crisis in Niger. The Council also commends the initiatives taken by the Chairperson of the Commission to help resolve the crisis;

3. *Requests* the Chairperson of the Commission to intensify his efforts and to continue to work closely with ECOWAS to facilitate the speedy resolution of the crisis in Niger and the democratic functioning of the institutions of the country, with the participation and support of all political forces of Niger;

4. *Also requ*ests the Chairperson of the Commission to report to it, within a month, on developments in Niger and the outcome of his efforts and those of ECOWAS;

5. *Decides* to remain seized of the matter.